

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SHANE HYATT,

Plaintiff,

- v -

Civ. No. 9:15-CV-0089
(DNH/DJS)

DAVID ROCK, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

SHANE HYATT
05-A-4430
Plaintiff, *Pro Se*
Clinton Correctional Facility
P.O. Box 2000
Dannemora, NY 12929

HON ERIC T. SCHNEIDERMAN
New York Attorney General
Attorney for Defendants
The Capitol
Albany, NY 12224

CHRISTOPHER J. HUMMEL, ESQ.
Ass't Attorney General

DANIEL J. STEWART
United States Magistrate Judge

ORDER

As part of the Court's previous Decision and Order, Dkt. No. 68, Counsel for the Defendants was instructed to provide Chambers with the personnel files for all Defendants for *in camera* review. In addition, the Decision and Order also directed the Defendants to provide a copy of certain IG or OSI investigative reports involving Defendants during a specified period. The personnel files for the Defendants and the investigative reports have now been submitted to the Court. The *in camera* review of personnel files of Defendants Bickford; LaRocque; Herbert; Rock; Ramsdell; Arquitt;

Greene; Keating; Willett; Ripa; Palmer; Eddy; Mitchell-Oddey; and Fournier disclosed no relevant information. The *in camera* review of Defendant Spinner's and Lamare's personnel files reflected certain limited information that may be relevant to Plaintiff's claims. Those relevant portions are as follows:

A. Defendant Spinner

1. Notice of Discipline, dated July 21, 2016 (2 pages).

B. Defendant Lamare

1. Memorandum of Suspension, dated January 7, 2016 (1 page).
2. New York State Arrest Report (1 page).
3. Letter from Superintendent Uhler to Assistant Commissioner O'Gorman, dated January 6, 2016 (1 page).

Next, with regard to the investigative reports, the Court finds that those reports contain information that may be relevant to the Plaintiff's claims or the Defendants' defenses. The Court therefore directs that the reports be produced in the manner set forth below.

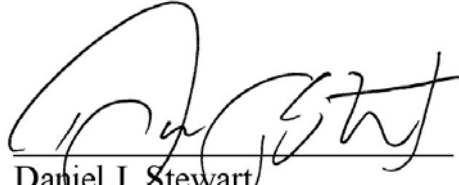
When retrieving the personnel files and the investigative reports, Defendants' Counsel shall make a copy of the pages from the personnel files which have been marked by the Court and identified above. Because corrections officer's confidential personal records are not shared directly with inmates, the Court directs that Defendants' Counsel secure the noted documents and hold them until such time as an attorney is appointed to assist Plaintiff Hyatt. If an attorney is appointed, the disclosure of the documents' contents is for the attorney's eyes only. The same procedure applies to the IG and OSI reports, as they reveal sources and investigative techniques and contain the names of inmates and other corrections officers that are not parties to this proceeding.

The Court further directs that the Defendants' Counsel to immediately retrieve from the Court's courtroom deputy, Maria Blunt, the personnel files and reports. The Clerk of the Court is

directed to mail a copy of this Order to Plaintiff at his last known address.

IT IS SO ORDERED.

Date: February 15, 2017
Albany, New York


Daniel J. Stewart
U.S. Magistrate Judge

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